

LABOUR DEPARTMENT

The 12th December, 1984

No. 9/5/84-6Lab/8832.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Polycast Spun Pipe, Chandi-Mandir (Ambala) :—

IN THE COURT OF SHRI V. P. CHAUDHARI, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 90 of 1984

between

SHRI JEET RAM, WORKMAN AND THE MANAGEMENT OF M/S POLYCAST SPUN
PIPE, CHANDI-MANDIR (AMBALA)

Present.—

Shri Abhay Singh for the workman.

None for the management.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—vide clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute between Shri Jeet Ram, workman and the management of Messrs Polycast Spun Pipe, Chandi-Mandir (Ambala). The terms of reference are as under :—

Whether the termination of services of Shri Jeet Ram workman was justified and in order ? If not, to what relief is he entitled ?

Both the parties to litigations were duly served through Registered Court Notices. Shri Jeet Ram workman appeared in person with Shri Abhay Singh on 27th September, 1984. Management was served but in spite of service it failed to appear in court and also contest the claim of the workman. Accordingly, *ex-parte* proceedings were taken up against the management. In support of *ex-parte* evidence Shri Jeet Ram examined himself as well as his brother Shri Kishori Lal. Jeet Ram deposed that he served with the Management as a Driver continuously for 14 years. In January, 1984 he fell ill. He despatched his leave application through his brother Shri Kishori Lal. Later supported this fact when he appeared in the witness-box. Workman Jeet Ram despatched his Medical Certificate through Registered cover which was not accepted by the management which is Exh. A-I. Regd. cover is Ex. A-II. When Jeet Ram went to the management with fitness certificate on 10th March, 1984, he was asked to report on duty after 3 or 4 days. Applicant reported for duty to the management at least 3 or 4 times but the management did not allow the applicant to join his duty. Ultimately his services were terminated without any cause and fault. Workman had been drawing Rs. 551/- P.M. at the time of termination of his services.

I have minutely gone through the *ex-parte* evidence adduced on the file and have heard Shri Abhay Singh on behalf of the workman and think that absence of workman Shri Jeet Ram was due to his illness. He sent his leave application to the management and despatched Medical Certificate through Regd. cover which was not honoured by the management. When Jeet Ram reported for duty with Medical Certificate, he was knowingly without any reason, notice, enquiry not allowed to join his duties but on the contrary his services were terminated maliciously. Due to proper service of the management and its non-appearance is a sound proof of the high handedness of the management. Accordingly, I hold that Shri Jeet Ram be treated on duty since the day of his termination and he is also entitled to all the benefits which he would have ordinarily enjoyed while in service. Hence the award is delivered accordingly.

Dated the 22nd October, 1984.

V. P. CHAUDHARI,
Presiding Officer,
Labour Court, Ambala.

Endst. No. 530, Ambala City, dated 22nd October, 1984.

Forwarded (four copies), to the Finance Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARI,
Presiding Officer,
Labour Court, Ambala.